THE HON'BLE SRI BILAL NAZKI, THE ACTING CHIEF JUSTICE

and

THE HON'BLE SRI JUSTICE R.SUBHASH REDDY

WRIT APPEAL NO.1507 OF 2005

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Date: 05-09-2005

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Between:

Ch.Poolamma and another …Appellants

And

The Principal Secretary to Government and

Others …Respondents

THE HON'BLE SRI BILAL NAZKI, THE ACTING CHIEF JUSTICE

and

THE HON'BLE SRI JUSTICE R.SUBHASH REDDY

WRIT APPEAL NO.1507 OF 2005

J U D G M E N T (Per the Hon'ble Sri Bilal Nazki, ACJ)

Heard learned counsel for the parties and with their consent, the writ appeal is disposed of at this stage.

It appears that an appeal filed by the writ petitioners/appellants before the appellate authority was dismissed. Thereafter a writ petition being W.P.No.4141 of 2004 was filed by them and the appellate authority was directed by this Court to entertain the appeal. But the writ petitioners did not pursue their earlier appeal, which was dismissed on the ground of limitation, and they filed a fresh appeal, in which they

obtained an order on 22-03-2004. This order was challenged by the respondents by way of a revision before the Government and the Government passed an order on 22-06-2005 staying the proceedings in the subsequent appeal. The writ petitioners aggrieved of the order dated 22-06-2005 filed a writ petition being W.P.No.14175 of 2005, which was dismissed by the learned Single Judge. Hence, this writ appeal.

We feel that the matter can be disposed of by the Chief Commissioner, Land Administration (Appeals) before whom the appeals are pending. However, learned counsel for the respondents submits that he filed an application, taking objection to filing the second appeal, when the first appeal was already pending. These matters can also be considered by the appellate authority. Therefore, we dispose of this writ appeal setting aside the order passed by the Government in the revision on 22-06-2005 on the ground that already an appeal was pending before the appellate authority. The parties shall maintain status quo and the appellate authority i.e. the Chief Commissioner of Appeals shall dispose of the appeals within a period of four weeks from the date of receipt of a copy of this order. All objections taken before the Chief Commissioner with regard to the maintainability of the appeals shall also be considered by him in accordance with law. No order as to costs.

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(Bilal Nazki, ACJ)

5th September, 2005

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(R.Subhash Reddy,J)

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Note: Issue C.C in one week

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